

DRAFT
HAZARDOUS WASTE OPERATING RENEWAL PERMIT

Georgia Gulf Lake Charles, LLC
EPA ID# LAD 086478047
Agency Interest# 4013

Calcasieu Parish
Westlake, Louisiana
PER20000001
Permit Number LAD 086478047-OP-RN-1

I PERMIT PREAMBLE

This permit is issued to Georgia Gulf Lake Charles, LLC, hereinafter referred to as the Permittee, by the Louisiana Department of Environmental Quality (LDEQ) under authority of the Louisiana Hazardous Waste Control Law, R.S. 30:2171 et seq., and the regulations adopted thereunder.

For the purposes of the permit, "Administrative Authority" shall mean the Secretary of the Department of Environmental Quality, or his/her designee.

This permit is based on information submitted in the permit application, and all subsequent amendments, and on the applicant's certification that such information is accurate and that all facilities were or will be maintained and operated as specified in the application.

This permit is conditioned upon full compliance with all applicable provisions of the Louisiana Hazardous Waste Control Law, R.S. 30:2171 et. Seq., and the regulations adopted thereunder.

GLOSSARY OF TERMS

For the purpose of this Permit, terms used herein shall have the same meaning as those in LAC 33:V.Subpart 1 unless the context of use in this Permit clearly indicates otherwise. Where terms are not otherwise defined, the meaning otherwise associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

“Administrative Authority” means the Secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

“Application” refers to the RCRA Part B Permit Application and subsequent amendments submitted by the Permittee for obtaining a Permit.

“Area of Concern” (AOC) means any discernable unit or area, which, in the opinion of the Administrative Authority, may have received solid or hazardous waste or waste containing hazardous constituents at any time. The Administrative Authority may require investigation of the unit to determine if it is a Solid Waste Management Unit (SWMU). If shown to be a SWMU by the investigation, the AOC must be reported by the Permittee as a newly identified SWMU. If the AOC is shown not to be a SWMU by the investigation, the Administrative Authority may determine that no further action is necessary and notify the Permittee in writing.

“Area of Investigation” (AOI) is a zone contiguous to and including impacted media defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding the limiting SS, MO-1 RS, or MO-2 RS (depending on the option being implemented).

“Beneficial Resource” describes a natural resource that is useful to human and ecological receptors. The state may establish statutes or regulations that identify certain environmental components, such as specific ground water or surface water sources, as a “Special Beneficial Resource,” or “Designated Beneficial Resource.” The beneficial resource then may be entitled to greater protection from contamination.

“Constituents of Concern” (COC) means the COPC’s that pose a significant risk.

“Constituents of Potential Concern” (COPC) means chemicals from hazardous waste and hazardous waste constituents that are potentially site related and have data of quality for use in the Screen or a site-specific risk assessment. The facility should compile a list of COPC’s for each release site based on existing sampling data, waste analysis reports, etc.

“Conceptual Site Model” (CSM) is part of the Data Quality Objective (DQO) process that presents a three-dimensional picture of site conditions at a discrete point in time that conveys what is known about the facility, releases, release mechanisms, contaminant fate and transport, exposure pathways, potential receptors, and risks. The information for the

CSM is documented into six profiles. The CSM evolves as data gaps in the profiles become more complete, and will be refined based upon results of site characterization data. The final CSM is documented in the Risk Management Plan (RMP).

“CWA” means Clean Water Act.

“Corrective Action” is an activity conducted to protect human health and the environment.

“Department” means the Louisiana Department of Environmental Quality.

“DNAPL” a dense liquid not dissolved in water, commonly referred to as “free product.”

“EPA” means the United States Environmental Protection Agency.

“Facility” means, for the purpose of conducting corrective action under LAC 33:V.3322, all the contiguous property under the control of the Permittee.

“HSWA” means the 1984 Hazardous and Solid Waste Amendments to RCRA.

“Hazardous Constituent” means any constituent identified in LAC 33:V.Chapter 31. Table 1, or any constituent identified in LAC 33:V.3325. Table 4.

“LDEQ” means the Louisiana Department of Environmental Quality.

“LNAPL” a light liquid not dissolved in water, commonly referred to as “free product.”

“Newly-discovered Release” any release(s) of hazardous waste, including hazardous constituents, in which there is a statistically significant increase over the background data for the media of concern, during the course of groundwater monitoring, field investigation, environmental auditing, or by other means.

“Operating Record” means written or electronic records of all maintenance, monitoring, inspection, calibration, or performance testing—or other data as may be required—to demonstrate compliance with this Permit, document noncompliance with this Permit, or document actions taken to remedy noncompliance with this Permit. A minimum list of documents that must be included in the operating record are identified at LAC 33:V.1529.B.

“Permittee” means Georgia Gulf Lake Charles, LLC, 1600 VCM Plant Road, Westlake, Louisiana 70669.

“RCRA Permit” means the full permit, with RCRA and HSWA portions.

“RFA” means RCRA Facility Assessment.

“RFI” means RCRA Facility Investigation.

“Release” means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

“SARA” means Superfund Amendments and Reauthorization Action of 1986.

“Solid Waste Management Unit” (SWMU) means any discernable unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

“Stabilization” is an action taken for the purpose of controlling or abating threats to human health or the environment from releases or preventing or minimizing the further spread of contaminants while long-term remedies are pursued.

If, subsequent to the issuance of this Permit, regulations are promulgated which redefine any of the above terms, the Administrative Authority may, at its discretion, apply the new definition to this Permit.

All regulating citations are defined as being the regulations in effect on the date of issuance of this permit. New and/or amended regulations are not included as Permit requirements until permit modification procedures as specified in Condition II.C. of the permit and LAC 33:V.321 are completed.

II GENERAL PERMIT CONDITIONS

II.A DURATION OF PERMIT

This permit is effective as of the date indicated on the accompanying signature page and shall remain in effect for a maximum period of ten (10) years from the effective date, unless suspended, modified, revoked and reissued or terminated for just cause.

II.B EFFECT OF PERMIT

This permit authorizes the Permittee to store hazardous waste in accordance with the conditions of this permit. The Permittee is prohibited from any storage, treatment or disposal of hazardous waste not authorized by statute, regulation or this permit. Compliance with this permit, LAC 33:V.Subpart 1 and HSWA, constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA and Chapter 9 of the Louisiana Environmental Quality Act (Act). However, compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Condition 3013 or Condition 7003 of RCRA, or under Condition 106 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) {42 U.S.C. 9606 (a)}.

In accordance with LAC 33:V.307.B and C, issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.

II.C PERMIT ACTIONS

Any inaccuracies found in the permit application may be cause for revocation or modification of this permit. The Permittee must inform the Administrative Authority of any deviation from, changes or inaccuracies in the information in the permit application.

The Administrative Authority may also suspend, modify, revoke and reissue, or terminate for cause when necessary to be protective of human health or the environment as specified in 40 CFR 270.41, 270.42, 270.43 or LAC 33:V.309.F, 311.A or 323. The Administrative Authority may modify the permit when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. The filing of a request for permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated

noncompliance on the part of Permittee does not stay the applicability or enforceability of any permit condition.

II.D SEVERABILITY

The conditions of this permit are severable and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

II.E DUTIES AND REQUIREMENTS

II.E.1 Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance may be authorized by an emergency permit, as described in LAC 33:V.701. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the LAC 33:V.Subpart 1 and the Environmental Quality Act and is grounds for enforcement action which may include permit termination, permit revocation and reissuance, permit modification, or denial of permit renewal application.

II.E.2 Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must reapply for the permit as required by the LAC 33:V.303.N and 309.B. Notification shall be at least 180 calendar days before the permit expires.

II.E.3 Permit Extension

This permit and all conditions herein will remain in effect beyond the permit's expiration date until the Administrative Authority issues a final decision on the re-application, provided the Permittee has submitted a timely, complete new permit application as provided in LAC 33:V.309.B and 315.A.

II.E.4 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted

activity in order to maintain compliance with the conditions of this permit.

II.E.5 Duty to Mitigate

The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit as required by LAC 33:V.309.D.

II.E.6 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related ancillary equipment) that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

II.E.7 Duty to Provide Information

The Permittee shall furnish to the Administrative Authority, within a reasonable time, any information which the Administrative Authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrative Authority upon request, copies of records required by this permit and in accordance with LAC 33:V.309.H.

II.E.8 Inspection and Entry

The Permittee shall allow the Administrative Authority or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- II.E.8.a enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of this permit;

- II.E.8.b have access to and copy, at reasonable times, any records that must be maintained under the conditions of this permit;
- II.E.8.c inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operation regulated or required under this permit; and
- II.E.8.d sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Administrative Authority any substances or parameters at any location.

II.E.9 Sample Monitoring and Records

II.E.9.a Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, "SW-846", latest revision; Manual of Ground Water Quality Sampling Procedures, 1981, EPA-600/2-81-160, as revised; Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities, 1977, EPA-530/SW-611, as revised; or an equivalent method as specified in the attached Waste Analysis Plan referenced in Attachment 1.

II.E.9.b Records of monitoring information shall include:

II.E.9.b.(1) the date, exact place, and time of sampling or measurements;

II.E.9.b.(2) the name(s) and signature(s) of the individual(s) who performed the sampling or measurements:

II.E.9.b.(3) the date(s) analyses were performed;

II.E.9.b.(4) the name(s) and signature(s) of the individual(s) who performed the analyses;

II.E.9.b.(5) the analytical techniques or methods used;

II.E.9.b.(6) the results of such analyses; and

II.E.9.b.(7) associated quality assurance performance data.

II.E.9.c Laboratory Quality Assurance/Quality Control

In order to ensure the accuracy, precision, and reliability of data generated for use, the Permittee shall submit a statement, certified as specified in LAC 33:V.513 and included in the annual report, indicating that:

II.E.9.c.(1) any commercial laboratory providing analytical results and test data to the Department required by this permit is accredited by the Louisiana Environmental Laboratory Accreditation Program (LELAP) in accordance with LAC 33:I. Subpart 3, Chapter 45. Laboratory data generated by commercial laboratories not accredited under LELAP will not be accepted by the Department.

LAC 33:I. Subpart 3 (Chapters 45-49) provides requirements for the accreditation program. Regulations and a list of labs that have applied for accreditation are available on the LDEQ website located at: <http://www.deq.louisiana.gov/portal/tabid/2412/Default.aspx>.

In accordance with LAC 33:V.4501, the requirements for LELAP accreditation applies whenever data is:

- submitted on behalf of a facility;
- required as part of a permit application;
- required by order of the Department;
- required to be included in a monitoring report submitted to the Department;
- required to be submitted by contract; or
- otherwise required by Department regulations.

This includes, but is not limited to, data from RCRA Trial Burns, Risks Burns, Risk

Assessments, MACT Comprehensive Performance Tests, and data used for continuing compliance demonstrations.

II.E.9.c.(2) If the Permittee decides to use their own in-house laboratory for test and analysis, the laboratory is not required to be accredited by LELAP. However, the laboratory must document and submit for approval, quality assurance/quality control procedures that are commensurate with requirements in LAC 33:I. Subpart 3. Laboratory Accreditation.

II.E.9.c.(3) For approval of equivalent testing or analytical methods, the Permittee may petition for a regulatory amendment under LAC 33:V.105.I and LAC 33:I Chapter 9. In cases where an approved methodology for a parameter/analyte is not available or listed, a request to utilize an alternate method shall be submitted to the Administrative Authority for approval. Documentation must be submitted to the LDEQ that will verify that the results obtained from the alternate method are equal to or better than those obtained from EPA-accepted methods, as well as those deemed equivalent by the LDEQ.

II.E.10 Retention of Records

The Permittee shall maintain records through the active life of the facility (including operation, closure and post-closure periods) as required by LAC 33:V.309.J and LAC 33:V.1529.A, B, and C. All records, including plans, must be furnished upon request and made available at all reasonable times as required by LAC 33:V.1529.C. File copies shall be kept for LDEQ Inspection for a period of not less than three years as required by LAC 33:V.317.B.

The Permittee shall, for the life of the permit, maintain records of all data used to complete the application for this permit and any supplemental information submitted under the Louisiana Hazardous Waste Control Law (LA. R.S. 30:2171 et seq.).

II.E.11 Notices of Planned Physical Facility Changes

The Permittee shall give notice to the Administrative Authority, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with LAC 33:V.309.L.1.

II.E.12 Physical Facility after Modification

For any new or existing unit being modified, the Permittee may not manage hazardous waste in the modified portion of the unit until the unit is complete and:

II.E.12.a the Permittee has submitted to and received approval from the Administrative Authority, by certified mail or hand delivery, a letter signed by the Permittee and an independent registered professional engineer stating that the unit is complete and has been constructed or modified in compliance with the permit; and

II.E.12.b the Administrative Authority has inspected the modified unit following a request to make final inspection by the Permittee and finds it is in compliance with the conditions of the permit and all applicable sections of LAC 33:V.Subpart 1, and has issued an Order to Proceed. The Permittee may then commence treatment, storage, or disposal of hazardous waste.

II.E.13 Anticipated Noncompliance

The Permittee shall give advance notice to the Administrative Authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

II.E.14 Transfer of Permits

This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to LAC 33:V.309.L.4, 321.B, 321.C.4, and 1531.D and E, as applicable.

II.E.15 Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date as required by LAC 33:V.309.L.6.

II.E.16 Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that results in an emergency condition (an emergency condition is any condition which could be reasonably expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property), the Permittee shall notify the DPS (Department of Public Safety) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone at (225) 925-6595 immediately, but in no case later than one (1) hour after learning of the discharge. The DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will subsequently notify the Department regarding the details of the discharge.

II.E.17 Non-Emergency Unauthorized Discharge Notification

In accordance with LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E and/or results in contamination of the groundwaters of the state but does not result in an emergency condition, the Permittee shall promptly notify the Department within twenty-four (24) hours after learning of the discharge. Notification shall be made to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) in accordance with the procedure and content requirements specified in LAC 33:I.3923.

II.E.18 Unauthorized Discharge to Groundwater Notification

In accordance with LAC 33:I.3919, in the event of an unauthorized discharge resulting in contamination of groundwaters of the state by moving in, into, within or on any saturated subsurface strata, the Permittee shall promptly notify the Department within twenty-four (24) hours after learning of the discharge. Notification shall be made to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC in accordance with the procedure and content requirements specified in LAC 33:I.3923.

II.E.19 Written Notification Reports for Unauthorized Discharges

The Permittee shall submit written reports to the SPOC for any unauthorized discharges requiring notification under Condition II.E.16 or Condition II.E.17 of this permit. The written report shall be submitted in accordance with the procedure and content requirements specified in LAC 33:I.3925.

II.E.20 Noncompliance Reporting

The Permittee shall report orally within twenty-four (24) hours any noncompliance with the permit not reported under Condition II.E.16 or Condition II.E.17 of this permit that may endanger the human health or the environment. This report shall include at minimum the following information:

II.E.20.a information concerning the release of any hazardous waste that may endanger public drinking water supplies; and

II.E.20.b information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, that could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

II.E.20.b.(1) name, address, and telephone number of the owner or operator;

II.E.20.b.(2) name, address, and telephone number of the facility;

II.E.20.b.(3) date, time, and type of incident;

II.E.20.b.(4) name and quantity of materials involved;

II.E.20.b.(5) the extent of injuries, if any;

II.E.20.b.(6) an assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and

II.E.20.b.(7) estimated quantity and disposition of recovered material that resulted from the incident.

II.E.21 Follow-up Written Report of Noncompliance

The Permittee shall provide a written submission within five (5) days after the time the Permittee becomes aware of any noncompliance which may endanger human health or the environment not reported under Condition II.E.18 of this permit. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. If the Administrative Authority waives the requirement, then the Permittee submits a written report within fifteen (15) days after the time the Permittee becomes aware of the circumstances, as required by LAC 33:V.309.L.7.

II.E.22 Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time required monitoring reports are submitted. The reports shall contain the information listed in Condition II.E.19 of this permit.

II.E.23 Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or that it submitted incorrect information in a permit application, or in any report to the Administrative Authority, the Permittee shall promptly submit such facts or information.

II.E.24 Signatory Requirement

All applications, reports or other information submitted to the Administrative Authority shall be signed and certified according to LAC 33:V.507, 509, 511, and 513.

II.E.25 Schedule of Compliance

II.E.25.a. Within ninety (90) days of the effective date of this permit, the Permittee must have completed

construction of a roof over CSA #3 in order to prevent precipitation from entering the secondary containment system or began closure activities according to the approved closure plan included in Attachment 1.

II.E.26 Additional Operating Standards

(RESERVED)

II.E.27 Updated Documents To Be Submitted Prior To Operation

(RESERVED)

II.E.28 Documents To Be Maintained at Facility Site

II.E.28.a The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and any amendments, revisions, and modifications to these documents. Any revision or changes shall be submitted with the annual report unless previously submitted.

II.E.28.a.(1) Waste Analysis Plan submitted in accordance with LAC 33:V.1519 and approved by the Administrative Authority (see Attachment 1).

II.E.28.a.(2) Personnel Training Plan and the training records as required by LAC 33:V.1515 (see Attachment 1).

II.E.28.a.(3) Contingency Plan submitted in accordance with LAC 33:V.1513 and approved by the Administrative Authority (see Attachment 1).

II.E.28.a.(4) Arrangements with local authorities in accordance with LAC 33:V.1511.G. (see Attachment 1).

II.E.28.a.(5) Closure Plans submitted in accordance with LAC 33:V.3511 and approved by the Administrative Authority, as well as any post-closure

care requirements that may be required initially or through permit modifications in accordance with LAC 33:V.3523 (see Attachment 1).

II.E.28.a.(6) Cost estimate for facility closure care submitted in accordance with LAC 33:V.3705 and approved by the Administrative Authority, as well as any post-closure cost estimate that may be required initially or through permit modifications in accordance with LAC 33:V.3709 (see Attachment 1).

II.E.28.a.(7) Operating records as required by LAC 33:V.1529, 1911.D, and 2115.D.

II.E.28.a.(8) Inspection Plan developed in accordance with LAC 33:V.517.G and 1509.B and approved by the Administrative Authority (see Attachment 1).

II.E.28.a.(9) Security Plan developed in accordance with LAC 33:V.1507 (see Attachment 1).

II.E.28.b All proposed amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Administrative Authority for approval.

II.E.29 Annual Report

An annual report shall be submitted covering all hazardous waste units and their activities during the previous calendar year as required by LAC 33:V.1529.D.

II.E.30 Manifest

The Permittee shall report manifest discrepancies and un-manifested waste as required by LAC 33:V.308.L.8 and 9 and LAC 33:V.1107.

II.E.31 Emissions

Emissions from any hazardous waste facility shall not violate the Louisiana Air Quality Regulations. If air quality standards are exceeded, the site will follow air regulation protocol.

II.E.32 Waste Discharges

Waste discharges from any hazardous waste facility shall not violate the Louisiana Water Quality Regulations. If water standards are exceeded, the site will follow water quality regulation protocol.

II.E.33 Non-Listed Hazardous Waste Facilities

This permit is issued for those hazardous waste facilities listed in Condition IV (Permitted Facilities). If the Permittee determines that an un-permitted hazardous waste facility exists, the Permittee must immediately notify the Administrative Authority in accordance with Condition II.E.22 of the General Permit Conditions.

II.E.34 Compliance With Land Disposal Restrictions

The Permittee shall comply with those land disposal restrictions set forth in LA. R.S. 30:2193, all regulations promulgated thereunder, and the HSWA portion of this permit (Conditions VII and VIII).

II.E.35 Establishing Permit Conditions

Permits for facilities with pre-existing groundwater contamination are subject to all limits, conditions, remediation and corrective action programs designated under LAC 33:V.311.D and LAC 33:V.3303.

II.E.36 Obligation for Corrective Action

Owners or operators of hazardous waste management units must have all necessary permits during the active life of the unit and for any period necessary to comply with the corrective action requirements in Condition VIII of this permit. The facility is obligated to complete facility-wide corrective action regardless of the operational status of the facility.

II.E.37 Attachments and Documents Incorporated by Reference

All attachments and documents required by this permit, including all plans and schedules, are incorporated, upon approval by the Administrative Authority, into this permit by reference and become an enforceable part of this permit. When applicable, the Permittee must modify the permit according to LAC 33:V. Chapter 3. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action, which may include fines, suspension, or revocation of the permit. Also, where applicable, the Permittee must meet all the permit modification requirements contained in LAC 33:V.321, 322, and 323.

Any noncompliance with approved plans and schedules shall be termed noncompliance with this permit. Written requests for extension of due dates for submittals may be granted by the Administrative Authority.

If the Administrative Authority determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Administrative Authority may modify this permit according to procedures in LAC 33:V.321.

III GENERAL FACILITY CONDITIONS

III.A DESIGN AND OPERATION OF ALL FACILITIES

- III.A.1** The Permittee must maintain and operate all facilities to minimize the possibility of a fire, explosion, or any unauthorized sudden or non-sudden release of hazardous waste constituents to air, soil, or water that could threaten human health or the environment.
- III.A.2** The Permittee shall not receive for treatment, storage, or disposal any hazardous waste generated outside the United States or its territories, in accordance with LA. R.S. 30:2189 of the Louisiana Environmental Quality Act.
- III.A.3** No off-site generated hazardous wastes may be shipped to the Westlake facility (LAD 086478047) for storage, treatment, and/or disposal.

III.B REQUIRED NOTICE

(RESERVED)

III.C GENERAL WASTE ANALYSIS

The Permittee shall follow the procedures described in the Waste Analysis Plan referenced in Attachment 1 and in accordance with LAC 33:V.1519.

- III.C.1** The Permittee shall review the Waste Analysis Plan annually and report to the Administrative Authority in the annual report whether any revision is required to stay abreast of changes in EPA methods and/or State regulatory provisions.
- III.C.2** Annually, the Permittee shall submit a certified statement that indicates that any laboratory (i.e., on-site laboratory or contract laboratory) that provides chemical analyses, analytical results, or other test data to the department, by contract or by agreement, is accredited in accordance with the laboratory accreditation requirements of LAC 33:I.Chapter 45. This written statement shall be certified as specified in LAC 33:V.513 and included in the annual report. This documentation shall be resubmitted when a different laboratory is contracted for services.

III.C.3 If there is reason to believe that the hazardous waste has changed or the operation generating the hazardous waste has changed, the Permittee shall review and re-characterize all potentially impacted hazardous waste streams generated by the Permittee on-site and treated, stored, and/or disposed on-site. The Permittee must re-characterize wastes in accordance with LAC 33:V.1519.A.3. This re-characterization shall include laboratory analyses which provide information needed to properly treat, store, and dispose of the hazardous waste, including physical characteristics and chemical components of the waste. The results of this re-characterization shall be summarized in the Permittee's Annual Report.

III.C.4 In accordance with LAC 33:V.1519.B, the Waste Analysis Plan must meet all sampling and QA/QC protocols contained in Condition II.E.9.c. All test procedures used by the Permittee shall be maintained on file by the Permittee and made available to the LDEQ upon request.

III.D SECURITY

The Permittee must comply with the security provisions of LAC 33:V.1507, as referenced in Attachment 1.

III.E GENERAL INSPECTION REQUIREMENTS

The Permittee must follow the Inspection Plan referenced in Attachment 1. The Permittee must remedy any deterioration or malfunction discovered by an inspection as required by LAC 33:V.1509.C. Records of inspections must be kept as required by LAC 33:V.1509.D. The inspection schedule must include the regulatory requirements of LAC 33:V.517.G, 1509, 1911, and 2109.

III.F PERSONNEL TRAINING

The Permittee must conduct personnel training as required by LAC 33:V.1515.A, B, and C. The Permittee shall follow the outline referenced in Attachment 1. The Permittee shall maintain all training documents and records as required by LAC 33:V.1515.D and E.

III.G GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE

The Permittee must take precautions as required by LAC 33:V.1517 to prevent accidental ignition or reaction of ignitable or reactive wastes.

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517, 1917, 1919 and 2113.

III.H LOCATION STANDARDS

III.H.1 The Permittee has furnished that it is in compliance with seismic standards as required by LAC 33:V.517.T.

III.H.2 The Permittee must not manage any hazardous waste on any portion of the property that lies within the 100 year flood plain (as identified in the Flood Insurance Rating Map) unless such areas are raised above this flood level or other means (e.g., levees) are provided to protect such areas from washouts, overtopping by wave action, soil erosion or other effects of such a flood as required by LAC 33:V.1503.B.3. Such site improvements must be certified by independent licensed professional engineers and approved by the Administrative Authority prior to any hazardous waste and/or hazardous waste units being placed thereon.

III.I PRECIPITATION RUN-ON AND RUN-OFF

The Permittee must provide for the control by diversion and/or containment of run-on and run-off resulting from a rainfall occurring during a period of twenty-four (24) hours as defined by local rainfall records and LAC 33:V.1503.B.2. The Permittee shall comply with the requirements of LAC 33:V.1907.E.1.b, 2111.B.4, B.5, and B.6.

III.J HURRICANE EVENTS

The Permittee must initiate those applicable portions of the Contingency Plan during a hurricane as well as appropriate actions required by LAC 33:V.1507, 1509 and 1511.

III.K PREPAREDNESS AND PREVENTION

III.K.1 Required Equipment

At a minimum, the Permittee must install and maintain the equipment set forth in the Contingency Plan, as required by LAC 33:V.1511.C.

III.K.2 Testing and Maintenance of Equipment

The Permittee must test and maintain the equipment specified in Condition III.K.1 to insure its proper operation in time of emergency. The testing and maintenance of the equipment must be documented in the operating record.

III.K.3 Access to Communications or Alarm Systems

The Permittee must maintain access to the communications or alarm system as required by LAC 33:V.1511.E.1 and 1511.E.2.

III.K.4 Required Aisle Space

In no case shall aisle space be less than two (2) feet. In addition, the Permittee shall maintain adequate aisle space as required by LAC 33:V.1511.F and 2109.B.

III.K.5 Arrangements with Local Authorities

The Permittee shall document in the annual report that the requirements of LAC 33:V.1511.G have been met. This documentation shall include those state and local agencies involved and those facilities and operations covered. Documentation of written arrangements with state and local agencies shall also be included in this report. Where state or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.

III.L CONTINGENCY PLAN

III.L.1 Implementation of Plan

The Permittee must immediately carry out the provisions of the Contingency Plan, and follow the emergency procedures described by LAC 33:V.1513.F whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that threaten or could threaten human health or the environment.

III.L.2 Copies of Plan

The Permittee must comply with the requirements of LAC 33:V.1513.C.

III.L.3 Amendments to Plan

The Permittee must review and immediately amend, if necessary, the Contingency Plan as required by LAC 33:V.1513.D.

III.L.4 Emergency Coordinator

The Permittee must comply with the requirements of LAC 33:V.1513.E concerning the emergency coordinator.

III.M MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of LAC 33:V.Chapter 9 and 11.

III.N RECORD KEEPING AND REPORTING

III.N.1 Operating Record

The Permittee shall maintain a written operating record at the facility in accordance with LAC 33:V.1529.A, B, and C and the Operations Plan referenced in Attachment 1.

III.N.2 Annual Report

The Permittee must comply with the annual report requirements of LAC 33:V.1529.D.

III.N.3 Operations Manual

The Permittee shall compile and keep current an operations manual covering all aspects of the Permittee's storage facilities.

III.O CLOSURE/POST-CLOSURE

CLOSURE

The Permittee shall address the following regulatory citations in the closure plan: LAC 33:V.1915, 2117, 3503, 3505, 3507, 3509, 3511, 3513, and 3515. The Administrative Authority may re-evaluate the adequacy of the approved closure plan and/or the confirmatory sampling procedures prior to the commencement of closure (e.g., permit renewal applications, permit modifications, notifications of intent to close).

- III.O.1** Closure Performance Standard. The Permittee shall close the facility in accordance with the closure plan referenced in Attachment 1 and in accordance with the applicable sections of LAC 33:V.3507.
- III.O.2** Amendment to Closure Plan. The Permittee shall amend the closure plan where necessary, in accordance with LAC 33:V.3511.C. Any modification shall be subject to LAC 33:V.321, 322 and 323, where applicable
- III.O.3** Notification of Closure. The Permittee shall notify the Administrative Authority at least forty-five (45) days prior to the date it expects to begin closure in accordance with LAC 33:V.3511.D.
- III.O.4** Time Allowed For Closure. After receiving the final volume of hazardous waste, the Permittee shall treat or remove from the site all hazardous waste in accordance with the schedule specified in the closure plan referenced in Attachment 1 and in accordance with LAC 33:V.3513.
- III.O.5** Disposal or Decontamination of Equipment. The Permittee shall decontaminate and dispose all facility equipment in accordance with the closure plan referenced in Attachment 1 and in accordance with LAC 33:V.3515.
- III.O.6** Certification of Closure. The Permittee shall certify that the facility has been closed in accordance with the specifications in the closure plan as required by LAC 33:V.3517.
- III.O.7** Inventory at Closure. The Permittee shall be responsible for closure cost based upon the maximum permitted facility inventories listed below in Tables 1 and 2.

TABLE 1
(1) Existing Hazardous Waste Tanks

TANKS	SERVICE	WASTE	MAXIMUM PERMITTED CAPACITY (GALLONS)
T-405	EDC/VCM Tars Waste Tank	D001, D021, D028, D039, K019, K020	62,000
T-452	EDC Heavy Ends Storage Tank	D001, D021, D028, D039, K019, K020	115,000

TABLE 2
(2) Existing Container Storage Areas

CONTAINER STORAGE	LOCATION	WASTE	MAXIMUM PERMITTED CAPACITY (GALLONS)*
CSA#2	VCM Plant	Intermittently Generated VCM Plant Hazardous Wastes (see WAP)	11,000*
CSA#3	VCM Plant	Intermittently Generated VCM Plant Hazardous Wastes (see WAP)	8,800* Or 3-25 cubic yard roll-off containers

*based on storage of 55-gallon drums

III.P POST-CLOSURE

The Permittee must attempt to clean close all hazardous waste units. If the facility cannot be clean closed, the Permittee shall submit a post-closure plan for approval by the Administrative Authority. If some waste residues or contaminated materials are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519-3527, including maintenance and monitoring throughout the post-closure care period.

III.Q COST ESTIMATE FOR CLOSURE/POST-CLOSURE

III.Q.1 The Permittee must maintain cost estimates for closure of facilities in accordance with LAC 33:V.3705 and 3707.

III.Q.2 The Permittee shall maintain and adjust the closure cost estimate for inflation, as specified in LAC 33:3705.B, 3705.C, and for other circumstances that increase the cost of closure.

III.Q.3 The Permittee must adjust the closure cost estimate within thirty (30) days after approval by the Administrative Authority of any request to modify the closure plan in accordance with LAC 33:V.3705.C. The Permittee shall consider the impact of any inventory and/or process changes on the closure cost estimate.

III.Q.4 The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure most

expensive and must be based on costs to the Permittee of hiring a third party to execute all closure activities. The closure cost estimate shall be based on the maximum permitted inventory of each facility as specified in Condition III. Tables 1 and 2 of this permit.

III.Q.5 If the Permittee is unable to complete clean closure of all facilities specified in Condition III. Tables 1 and 2 of this permit as per LAC 33:V.Chapter 35 and as acceptable by the Administrative Authority, a Post-Closure Plan must be submitted for each facility failing to achieve clean closure within ninety (90) days from the date that the Permittee or Administrative Authority determines that the unit must be closed as a landfill. The Post-Closure Plan must meet the requirements of LAC 33:V.3523.B.

III.R FINANCIAL ASSURANCE FOR CLOSED UNITS

The Permittee shall establish and maintain financial assurance for closure in accordance with LAC 33:V.3707 for all units listed under Condition III.O.7.

III.S LIABILITY REQUIREMENTS

The Permittee shall have and maintain liability coverage for sudden accidental occurrences in the amounts of \$1,000,000 each occurrence and \$2,000,000 annual aggregate, exclusive of legal defense costs, as required by LAC 33:V.3715.A. The Permittee shall have and maintain liability coverage for non-sudden accidental occurrences in the amounts of \$3,000,000 each occurrence and \$6,000,000 annual aggregate, exclusive of legal defense costs, as specified in LAC 33:V.3715.B.

III.T INCAPACITY OF THE PERMITTEE

The Permittee must comply with LAC 33:V.3717 whenever bankruptcy is initiated for the Permittee or its institutions providing financial assurance. If insurance is used for compliance with LAC 33:V.3715, the Permittee must immediately notify the Administrative Authority if the insurance company is placed in receivership. The Permittee must establish other financial assurance or liability coverage within sixty (60) days after such an event.

III.U POST-CLOSURE NOTICES

(RESERVED)

IV PERMITTED FACILITIES

IV.A TANKS

Details of the existing tanks listed in Table 3, including design and operational specifications are contained in Permit Condition V.A.

TABLE 3
(1) Existing Hazardous Waste Tanks

TANKS	SERVICE	WASTE	MAXIMUM PERMITTED CAPACITY (GALLONS)
T-405	EDC/VCM Tars Waste Tank	D001, D021, D028, D039, K019, K020	62,000
T-452	EDC Heavy Ends Storage Tank	D001, D021, D028, D039, K019, K020	115,000

IV.B CONTAINER STORAGE

The container storage areas listed in Table 4 below are permitted to store hazardous waste in properly labeled and sealed containers. CSA#3 is permitted for the storage of roll-off boxes which have been specified for this purpose and are compatible with the contained waste. The 55-gallon drums and roll-off boxes shall be stored in accordance with LAC 33:V.2109.

The 55-gallon drums shall be stored on pallets stacked at a maximum of two (2) high and no more than four (4) large containers per tier on the pallet and conform to LAC 33.V.2109.B. The pallets shall be placed in rows with a minimum of two (2) feet of aisle space between rows.

The roll-off boxes shall be stored with a minimum of two (2) feet of aisle space between rows. The roll-off boxes must remain covered when not in use and must be clearly labeled in order to easily identify the hazardous contents.

TABLE 4
(2) Existing Container Storage Areas

CONTAINER STORAGE	LOCATION	TOTAL AREA LIMITS (SQ. FT)	WASTE	MAXIMUM PERMITTED CAPACITY (GALLONS)*
CSA#2	VCM Plant	1295	Intermittently Generated VCM Plant Hazardous Wastes	11,000*
CSA#3	VCM Plant	861.45	Intermittently Generated VCM Plant Hazardous Wastes	8,800* or 3-25 cubic yard roll-off containers

*based on the storage of 55-gallon drums

V PERMIT CONDITIONS APPLICABLE TO PERMITTED FACILITIES

V.A TANKS

V.A.1 Description of Tank Systems

V.A.1.a Operation

- V.A.1.a.(1)** All permitted tanks and associated piping, pumps, instruments, containments, and vent controls shall be operated and maintained in accordance with LAC 33:V.Chapter 19.
- V.A.1.a.(2)** The Permittee shall operate and maintain all permitted tanks and containment systems according to the specifications, design criteria, and design limits specified in Table 5.
- V.A.1.a.(3)** The design temperature and pressure for each tank listed in Table 5, shall not change unless a permit modification is requested by the Permittee and subsequently approved by the Administrative Authority.

V.A.1.b Permitted Tanks

- V.A.1.b.(1)** The tanks listed in Table 5 are permitted for hazardous waste storage. These tanks have been certified by an independent, professional engineer licensed in the State of Louisiana and have sufficient structural integrity for the storage of hazardous waste.
- V.A.1.b.(2)** The tanks listed in Table 5 must be clearly marked with the words "Hazardous Waste" in accordance with LAC 33:V.1104.E.1.d.
- V.A.1.b.(3)** The Permittee is prohibited from storing or treating hazardous waste in any tank storage system not listed in Table 5 for greater than ninety (90) days, unless an extension is granted by the Administrative Authority in accordance with LAC 33:V.1109.E.2.
- V.A.1.b.(4)** The Permittee is prohibited from receiving any hazardous waste from offsite.

TABLE 5
DESIGN AND OPERATING PARAMETERS FOR RCRA TANK SYSTEMS

Tank No.	Year Put Into Service	Service	Materials of Construction	Dimensions and Permitted Capacity	Design Standard	Inspection Standard	Design Temp. and Pressure	Nominal Built Thickness	Minimum Thickness	Secondary Containment Type and Capacity*
T-405	1967	Liquid; EDC/VCM Tars; Storage	Carbon Steel	21'(d)x32'(h)	API 650/620 ASME A-36	API 653	150 F 6 PSI (2 oz. Vacuum in Water)	0.250"	0.100"	Double Walled Tank
T-452	1967	Liquid; EDC/VCM Tars; Storage	Carbon Steel	28.5'(d)x24'(h)	API 650 ASME A-283-C	API 653	150 F 6 PSI (2 oz. Vacuum in Water)	0.313"	0.119"	Double Walled Tank

* Secondary containment capacity is not applicable due to double walled tank design

V.A.1.c Proposed Tanks

(RESERVED)

V.A.2 Permitted and Prohibited Wastes

V.A.2.a Permitted Waste

Subject to the terms of this Permit, the Permittee is allowed to store in the tanks described in Condition V.A.1.b, and the hazardous wastes identified in the most current Part A Permit Application.

V.A.2.b Prohibited Waste

The Permittee is prohibited from storing hazardous waste that is not identified in the most current Part A Permit Application.

V.A.3 Secondary Containment

V.A.3.a Duty to Comply with LAC 33:V.1907.B through F

The Permittee shall design, construct, operate, and maintain the secondary containment system in accordance with LAC 33:V.1907.B through F and Table 5 of this Permit.

V.A.3.b Prevention of Migration

V.A.3.b.(1) Secondary containment systems must be maintained and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system in accordance with LAC 33:V.1907.B.1.

V.A.3.b.(2) Ancillary equipment must be provided with secondary containment, except as excluded by LAC 33:V.1907.F.

V.A.3.b.(3) Secondary containment systems must be free of cracks or gaps and other surface defects that would allow liquid to migrate out of the containment system in accordance with LAC 33:V.1907.E.

V.A.3.b.(4) Spilled or leaked waste and/or accumulated precipitation must be removed from the secondary containment system within twenty-four (24) hours in accordance with LAC 33:V.1907.C.4.

V.A.3.b.(5) If unable to remove spilled or leaked waste and/or accumulated precipitation within twenty-four (24) hours, the Permittee must demonstrate to the Administrative Authority that more time is required and propose an alternate schedule for removal.

V.A.3.c Requirements for Facilities Requesting a Variance

(RESERVED)

V.A.4 OPERATING REQUIREMENTS

V.A.4.a Duty to Comply with LAC 33:V.1909.A

The Permittee shall comply with LAC 33:V.1909.A. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

V.A.4.b Duty to Comply with LAC 33:V.1909.B

The Permittee shall comply with LAC 33:V.1909.B and Table 5 of this Permit. The Permittee must use appropriate controls and practices to prevent spills and overflows from tanks and containment systems.

V.A.4.c Tank Covers

All hazardous waste storage tanks shall be covered and shall not be vented directly to the atmosphere if the tanks are used to store, or if a possibility exists that they may be used to store, volatile or malodorous waste.

V.A.4.d Maintenance

The Permittee shall maintain the permitted tank systems according to the design code specified for each tank as listed in Table 5 and not exceed the listed operating conditions.

V.A.5 Ignitable, Reactive, and Incompatible Wastes

The Permittee shall store ignitable, reactive, or incompatible wastes only in accordance with LAC 33:V.1517.B, 1917 and 1919.

V.A.6 Inspections

V.A.6.a Inspection Schedule

The Permittee shall comply with LAC 33:V.1911.A through C by following the inspection schedule submitted in the Inspection Plan (see Attachment 1).

V.A.6.b Daily Inspection

V.A.6.b.(1) At least once per day while the tank is operating in hazardous waste service, the Permittee shall inspect the following:

V.A.6.b.(1)(a) Aboveground portions of the tank system, including the tank, ancillary piping, valves, and vent controls, to detect corrosion, cracks or releases of waste.

V.A.6.b.(1)(b) Data gathered from monitoring and leak detection equipment.

V.A.6.b.(1)(c) The construction materials and area immediately surrounding the externally accessible portion of the tank system and ancillary equipment, e.g. secondary containment system, to detect erosion, cracks and signs of hazardous waste releases.

V.A.6.b.(3) All deficiencies noted during daily inspections must be recorded and remedied in a timely manner.

V.A.6.c External Inspection

At a minimum, external inspection of each tank covered by this Permit shall be performed as often as required by the API designated inspection standard in Table 5. The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the

Administrative Authority upon request. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 5. The inspection checklist shall be comparable to that in Appendix C of API Standard 653. If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.d Internal Inspection

Internal inspection of each tank covered by this Permit shall be performed as often as required by the inspection standard in Table 5. The required frequency of inspection with reference to the applicable section of the standard shall be kept on site and available for review by the Administrative Authority upon request. The inspection shall be performed by a person meeting the minimum qualifications required under the inspection standard in Table 5. The inspection checklist shall be comparable to that in Appendix C of API Standard 653.

If the result of such an inspection reveals that the tank is unfit for continued service, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e Thickness Testing

V.A.6.e.(1) Thickness testing of each metallic tank covered by this Permit shall be performed biennially.

V.A.6.e.(2) Tank thickness measurements shall be taken on the tank top, bottom, and shell and shall be taken at least on each tank quadrant. Tank thickness readings shall be taken in the same place during each testing event in order to form a comparison of readings for corrosion rate determination.

V.A.6.e.(3) Tank thickness readings shall also be taken at any spot where visual corrosion or compromised integrity is evident.

V.A.6.e.(4) When any tank shell thickness measurement at a single point is less than that required in Table 5, the Permittee shall immediately comply with either Condition V.A.6.e.(4)(a) or (b) below. Condition V.A.6.e.(4)(b) shall not be used for any tank where the shell thickness measurement is less than 0.100 inches.

V.A.6.e.(4)(a) When a tank is deemed unfit for use, the Permittee shall immediately stop the flow of hazardous waste into the tank and comply with LAC 33:V.1913. The tank shall be repaired or replaced and the certification required by LAC 33:V.1913.F shall be obtained before the tank is put back into service.

V.A.6.e.(4)(b) An engineering evaluation shall be performed, conforming to the appropriate standard or standards, as allowed by the design or inspection standard in Table 5. If the evaluation determines that the tank is unfit for service, the Permittee shall comply with Condition V.A.6.e.(4)(a) of this Permit immediately. The evaluation must be submitted to the Waste Permits Division for approval within forty-five (45) days of the initial measurement.

V.A.6.e.(5) Tank thickness measurements shall not be averaged, unless allowed under the tank inspection standard in Table 5.

V.A.6.f Overfill Controls

Overfill controls shall be tested to ensure that they are in working order according to the schedule proposed in the Inspection Plan (see Attachment 1).

V.A.6.g Fiberglass Tanks

(RESERVED)

V.A.7 Response to Leaks and Spills

V.A.7.a Duty to Comply with LAC 33:V.1913.A through E

In the event of a leak or spill from a tank system, secondary containment system, or if a system becomes unfit for use, the Permittee shall comply with LAC 33:V.1913.A through E.

V.A.7.b Leaks and Spills

V.A.7.b.(1) Upon discovering a leak or spill, the Permittee must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

V.A.7.b.(2) Within twenty-four (24) hours of detecting a leak from the tank system, or in as timely a manner as is practical if the Permittee demonstrates that it is not possible to remove the waste within twenty-four (24) hours, the Permittee must remove as much waste as necessary to prevent further release from the tank or secondary containment system and to allow inspection and repair of the tank system in accordance with LAC 33:V.1913.B.1.

V.A.7.b.(3) Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner, as required by LAC 33:V.1505.C.3.

V.A.7.b.(3)(a) If the collected material is discharged through a point source to United States waters or to a Publicly Owned Treatment Works, it is subject to the requirements of the Clean Water Act.

V.A.7.b.(3)(b) If the collected material is released to the environment, it may be subject to reporting under applicable requirements of LAC 33:V.1505, LAC 33:I.Chapter 39, and 40 CFR Part 302.

V.A.7.b.(4) When a leak or spill occurs, the Permittee shall remove and properly dispose of any visible contamination of the soil or surface water in accordance with LAC 33:V.1913.C.2.

V.A.7.b.(5) A tank system from which a leak or spill has occurred must be closed in accordance with the approved Closure Plan and LAC 33:V.1915, unless the requirements of LAC 33:V.1913.E.2-3 are satisfied.

V.A.7.b.(5)(a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service in accordance with LAC 33:V.1913.E.2.

V.A.7.b.(5)(b) For a release caused by a leak from the primary tank system to the secondary containment system Permittee shall repair the primary system prior to returning the tank to service in accordance with LAC 33:V.1913.E.3.

V.A.7.b.(6) If the Permittee replaces a component of the tank system to eliminate a leak, that component must satisfy the requirements for new tank systems or components in LAC 33:V.1905 and 1907.

V.A.7.b.(7) All leaks and spills shall be documented in the daily inspection log.

V.A.7.c Major Repairs

V.A.7.c.(1) The Permittee shall comply with LAC 33:V.1913.F when performing major repairs to a tank system.

V.A.7.c.(2) Major repairs shall include, but not be limited to, installation of an internal liner, repair of a ruptured tank, repair of a ruptured secondary containment area, and removal of a tank from its foundation for any reason.

V.A.7.c.(3) The Permittee shall conform to the appropriate portion of the most recent inspection code listed in Table 5 for maintenance, inspection, re-rating, repair, and alteration of all tanks.

V.A.7.c.(4) The tank shall not be returned to service unless the Permittee has obtained a certification by an independent professional engineer licensed in the State of Louisiana that the system is capable of handling hazardous waste without release for the intended life of the system. The certification of repairs shall include an inspection in accordance with the requirements of any applicable codes, such as API 510 or API 653. The certification shall be submitted to the Administrative Authority within seven (7) days of returning the tank system to use in accordance with LAC 33:V.1913.F.

V.A.8 Air Emission Control Equipment Standards

Due to the fact the hazardous waste tanks referenced in Table 5 are equipped with thermal oxidizers, they are exempt from air emission control equipment standards in LAC 33:V.1747 through 1799 and the requirements of Condition VII.B of this permit.

V.A.9 Recordkeeping

V.A.9.a. New Tanks

In the event any new tank systems are installed, the Permittee shall obtain, and keep on file at the facility, the written statements by those persons required to certify the design and installation of new tank systems, in accordance with LAC 33:V.1905.G.

V.A.9.b Written Assessment

The Permittee shall keep on file at the facility, written assessments of the tank systems' integrity. The assessments shall be updated at the time of submittal of a Permit Renewal Application and at any other time deemed necessary by the Administrative Authority (i.e., permit modifications, tank replacements, tank repairs, etc.).

V.A.9.c Inspections

V.A.9.c.(1) The Permittee shall document in the operating record for the facility inspection of those items in Condition V.A.6.(a)-(b) of this Permit.

V.A.9.c.(1)(a) The daily log sheets shall include all monitored parameters for the prevention of spills and overflows, including temperature, pressures, levels, and pump flows into and out of the tanks.

V.A.9.c.(1)(b) The Permittee shall note all deficiencies discovered during the inspection in the inspection log.

V.A.9.c.(1)(c) Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.(2) The Permittee shall document in the operating record all tests and inspections of overfilling controls.

V.A.9.c.(3) The Permittee shall keep on file at the facility the results of the internal and external inspections required by Condition V.A.6.(c)-(d) of this Permit. The Permittee shall note all deficiencies discovered during the inspection in the inspection log. Corrective action taken in response to deficiencies must be included as part of the operating record for the facility.

V.A.9.c.(4) The Permittee shall keep on file at the facility all information related to tank thickness testing required under Condition V.A.6.(e) of this Permit.

V.A.9.c.(4)(a) This information shall include at a minimum the date(s) of assessment, the location where measurement readings are taken, the raw measurement data, comparison of actual reading to minimum thickness requirements, the corrosion rate, and calculation of remaining tank life.

V.A.9.c.(4)(b) If an engineering evaluation is performed in accordance with Condition V.A.6.e.(4)(b) of this Permit, the results of such an evaluation shall be kept in the operating record. The engineering evaluation must include, at minimum, details on how the evaluation was performed, references to applicable tank codes, raw data, calculations performed, and an explanation of why the tank is or is not fit for continued service.

V.A.9.c.(4)(c) Any tank thickness measurements that are averaged under Condition V.A.6.e.(5) of this Permit must be supported by documentation with references to the applicable tank codes. The documentation shall include all raw measurement data, calculations, and results of averaging. This information shall be kept as a part of the operating record for the facility.

V.A.9.c.(5) The Permittee shall keep on file at the facility the *records of repairs required under Condition V.A.7.c* of this Permit.

V.A.9.d Releases

V.A.9.d.(1) The Permittee shall keep on file at the facility notification reports submitted under LAC 33:V.1913.D.

V.A.9.d.(2) Within twenty-four (24) hours of detecting a reportable leak or spill from a tank system or secondary containment system to the environment, the Permittee shall report the leak in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this permit.

V.A.9.d.(3) As required by LAC 33:V.1913.D.3, within thirty (30) days of detecting a reportable release to the environment from a tank system or secondary containment system, the Permittee shall report the following information to the Administrative Authority's Single Point of Contact (SPOC):

V.A.9.d.(3)(a) Likely route of migration of the release,

V.A.9.d.(3)(b) Characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate,

V.A.9.d.(3)(c) Results of any monitoring or sampling conducted in connection with the release (if available). If the Permittee finds it will be impossible to meet this time schedule, the Permittee must provide the Administrative Authority with a schedule of when the results will be available. This schedule must be provided before the required thirty (30) day submittal period expires,

V.A.9.d.(3)(d) Proximity of downgradient drinking water, surface water, and populated areas, and

V.A.9.d.(3)(e) A description of response actions taken or planned.

V.A.9.e Repairs

The Permittee shall keep on file at the facility all certifications required by Condition V.A.7.c of this Permit.

V.A.10 Closure and Post-Closure Care

V.A.10.a Duty to Comply with LAC 33:V.1915.A

The Permittee shall comply with LAC 33:V.1915.A by following the procedures specified in the Closure Plan, see Attachment 1.

V.A.10.b Duty to Comply with LAC 33:V.1915.B

If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated in accordance with Condition V.A.10.a of this Permit, the Permittee shall comply with LAC 33:V.1915.B.

V.A.10.c Post-Closure

The Permittee shall attempt to clean close all tank systems. If the surface and subsurface soils below and adjacent to the tank system cannot be clean closed and the Permittee has not demonstrated through a risk assessment approved by the Administrative Authority that closure with the remaining contaminant levels is protective of human health and the environment, the Permittee shall present a post-closure plan to the Administrative Authority for approval. If any waste residue or contaminated media are left in place at final closure, the Permittee must comply with all post-closure requirements contained in LAC 33:V.3519 through 3527, including maintenance and monitoring throughout the post-closure care period.

V.B CONTAINER STORAGE

The permit conditions as set forth under this section shall apply where applicable, to the permitted container storage facilities as designated in Condition IV.B.

- V.B.1** The Permittee shall be in compliance with all appropriate conditions set forth in LAC 33:V.2101.
- V.B.2** The Permittee shall maintain the condition and integrity of all containers in accordance with LAC 33:V.2103.
- V.B.3** The Permittee must manage the containers in accordance with LAC 33:V.2107.
- V.B.4** The Permittee must inspect the containers and storage areas in accordance with LAC 33:V.2109 and LAC 33:V.1509. Results of such inspections must be placed in the operating record in accordance with LAC 33:V.1529.B.8.
- V.B.5** Within twenty-four (24) hours of detecting a reportable leak or spill from any container(s), the Permittee shall report the leak or spill in accordance with either Condition II.E.16 (Emergency Unauthorized Discharge) or Condition II.E.17 (Non-Emergency Unauthorized Discharge) of this permit.
- V.B.6** The Permittee shall store all hazardous wastes in containers that are compatible with the hazardous wastes as required by LAC 33:V.2105. Hazardous wastes being transported offsite must be packaged and labeled in accordance with DOT standards listed in 49 CFR 173 and 178 as required by LAC 33:V.1109 and LAC 33:V.1759.F.
- V.B.7** The Permittee must maintain the container storage area as required by LAC 33:V.2111.A, B.1 through B.4.
- V.B.8** The Permittee must manage spilled or leaked waste and accumulated precipitation according to LAC 33:V.2111.B.5.
- V.B.9** The Permittee must manage any collected material as required by LAC 33:V.2111.B.6. Stormwater shall be contained until analysis establishes that it meets permit limitation criteria for discharge through the NPDES treatment system, or other authorized disposal methods.

- V.B.10** The Permittee must place and store incompatible, ignitable, and reactive wastes only in accordance with LAC 33:V.1517, 2113, and 2115.
- V.B.11** The Permittee shall store hazardous waste (where applicable) on pallets no more than two (2) tiers of pallets high and no more than four (4) large containers per pallet. All containers must be stacked in such a fashion that each container identification label can be read from the access aisle in accordance with LAC 33:V.2109.B. The pallets shall be placed in rows with a minimum of two (2) feet of aisle space between rows. For containers with less than forty (40) gallons capacity, two (2) levels of containers may be stored per pallet, provided the containers are consistent in size and are not miss-shaped, bent or broken. The Permittee shall not store liquid hazardous waste containers and roll-off boxes simultaneously in CSA#3 in order to prevent damage to the roll-off boxes in the event of a release of liquid hazardous waste into the secondary containment area.
- V.B.12** The Permittee shall not exceed the maximum capacity listed under Condition IV.B, of this permit for each container storage area listed.
- V.B.13** At closure, the Permittee shall clean close all container storage areas by adhering to the procedures detailed in the approved closure plan referenced in Attachment 1 of this permit and as required by LAC 33:V.2117 and Chapter 35, Closure Requirements.
- V.B.14** The Permittee shall always maintain enough secondary containment capacity to contain at least ten percent (10%) of the total volume of containers or the volume of the largest container, whichever is greater in accordance with LAC 33:V.2111.B.3. Containers that do not contain free liquids (per the Paint Filter Liquids Test) do not need to be considered in this determination.
- V.B.15** The Permittee shall comply with the applicable requirements under LAC 33:V.1759 for each container/container storage area referenced in Condition VII.B and Table VII.B.1 of this Permit.

VI. GROUNDWATER PROTECTION

VI.A. APPLICABILITY

The regulations of Louisiana Administrative Code (LAC), Title 33, Part V, Chapter 3, 5, 15, 19, 21, 33, 35, and 37, and the Louisiana Hazardous Waste Control Law Revised Statute (R.S.) 30:2171 et seq., of the Environmental Quality Control Act, R.S. 30:2001 et seq., and the provisions of this Condition shall apply to ground water protection programs for facilities that are used to treat, store, and dispose hazardous wastes at Georgia Gulf Lake Charles, LLC in Westlake, LA. No active regulated units are identified in this permit which are subject to Ground Water monitoring at this time.

VI.B. Permittee shall comply with the monitoring, response, and corrective action provisions for the existing and any new systems in accordance with LAC 33:V.Chapter 33 and as outlined in this permit (i.e., Condition VIII, HSWA).

VI.C. If ground water contamination is confirmed as a result of operations related to past or present hazardous waste management facilities associated with this site, the Permittee shall establish, expand, or continue assessment and corrective action programs in accordance with the requirements of LAC 33:V.Chapter 33 and as subsequently directed by the Administrative Authority.